

# United States Court of Appeals For the First Circuit

---

No. 09-1597

SAGUN TULI

Plaintiff - Appellee

v.

BRIGHAM & WOMEN'S HOSPITAL, INC.

Defendant - Appellant

ARTHUR DAY, M.D.

Defendant

---

No. 09-1603

SAGUN TULI

Plaintiff - Appellee

v.

ARTHUR DAY, M.D.

Defendant - Appellant

BRIGHAM & WOMEN'S HOSPITAL, INC.

Defendant

---

## ORDER OF COURT

Entered: **May 28, 2009**  
Pursuant to 1<sup>st</sup> Cir. R. 27.0(d)

Defendant Brigham & Women's Hospital, Inc.'s appeal from the judgment entered on February 25, 2009 and from various post-judgment orders entered on April 2, 2009 has been docketed as Appeal No. 09-1597. Appeal No. 09-1603 is defendant Arthur

Day's appeal from the above-referenced orders. It is hereby ordered that Appeal Nos. 09-1597 and 09-1603 be consolidated for purposes of briefing and oral argument. Fed. R. App. P. 3(b)(2).

On March 5, 2009, plaintiff Sagun Tuli filed a motion to alter judgment in the district court. Pursuant to Fed. R. App. P. 4 (a)(4)(A), the notices of appeal from the February 25, 2009 judgment and from the April 2, 2009 orders do not become effective until the district court disposes of the post-judgment motion.

Therefore, appellants are directed to file a joint status report by **June 29, 2009** and at thirty day intervals thereafter, informing this court of any action taken by the district court on the post-judgment motion. Further, appellants are directed to inform this court whether or not they intend to file a notice of appeal from the district court's post-judgment order. See Fed. R. App. P. 4(a)(4)(B). While appellants are encouraged to proceed with ordering all necessary transcripts to pursue their appeal, the time to file a transcript order form is enlarged to 10 days after the district court disposes of the above-mentioned motion.

Failure to comply with this order may lead to dismissal of these appeals for lack of diligent prosecution. Local Rule 3.0(b).

Once the district court rules on the motion to alter judgment, it is directed to forward its decision to this court forthwith.

By the Court:

/s/ Richard Cushing Donovan, Clerk

cc:

Honorable Judge Nancy Gertner

Sarah A. Thornton, Clerk of Court for the District of Massachusetts

Gregory J. Aceto

Michael S. Bonner

William J. Dailey

John A. Donovan

Matthew Grygorcewicz

Robert R. Hamel Jr.

Sherry Yee Mulloy

John J. Reardon

David H. Rich

John P. Ryan

Deborah L. Thaxter

Harvey Weiner